

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/2007

SPONSOR Komadina LAST UPDATED _____ HB _____

SHORT TITLE Supreme Court Judicial Election Districts, CA SJR 2

ANALYST Schuss

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 2, if approved by the voters, would amend Article VI of the New Mexico Constitution to add a new section dividing the state into five Supreme Court judicial election districts as provided by law, and assigning each justice to a district. Justices would stand for retention or rejection by vote of the electorate within their district. Vacancies would be filled by persons residing within the district. Candidates would also run for election within the district in which they reside.

FISCAL IMPLICATIONS

AOC notes that there could be a cost for establishing satellite offices. If justices are required to travel to Santa Fe from satellite offices to conduct the business of the court, additional fiscal resources would be needed to cover office space rent, travel and per diem expenses.

SIGNIFICANT ISSUES

AOC has listed the following in their analysis:

Since the Supreme Court decides cases arising from lower courts throughout the entire state, every citizen of the state currently votes for each of the five justices on the Supreme Court. If this resolution is passed, every citizen could only vote for one of the five justices, once every eight years (or more frequently if a justice leaves the bench).

This change might encourage Supreme Court Justices to have parochial interests which contradict their statewide authority to make rulings. It is unclear whether the sitting justices would be required to move to the new judicial district to which he or she is assigned. Moreover, Article 6, section 7 of the New Mexico Constitution provides that the Supreme Court shall at all times be in session at the seat of government, which is in Santa Fe. Therefore, it is unclear whether satellite offices would be set up in the respective districts and then all five justices would be required to travel to Santa Fe to conduct the business of the Court.

AGO notes that Supreme Court Justices currently stand for retention or rejection, or run for election, in statewide elections. They are currently elected by position. This bill would provide for their retention, rejection, or election by geographical district. Several other states provide for election by geographical district. (e.g. Kentucky, Nebraska, Louisiana)

ADMINISTRATIVE IMPLICATIONS

AOC states that the administrative impact will depend on whether satellite offices are created for each judicial district that is created. More administrative time will be spent coordinating the business of the court if the five justices are spread throughout the state in various satellite offices.

BS/csd